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07                   UNITED STATES DISTRICT COURT  
08                   WESTERN DISTRICT OF WASHINGTON  
09                   AT SEATTLE

10 RONALD JOHNSON,                           ) CASE NO. C06-1776-MAT  
11   )  
12 Plaintiff,                                    )  
13   )  
14 v.    )  
15 MICHAEL J. ASTRUE,                        ) ORDER REQUESTING AMENDED  
16 Commissioner of Social Security,        ) MOTION  
17   )  
18 Defendant.                                 )  
19 \_\_\_\_\_)

20 Plaintiff filed a Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice  
21 Act. (Dkt. 24.) The Commissioner objects to the motion on two counts. (Dkt. 25.) First, the  
22 Commissioner notes the absence of a sworn statement from plaintiff attesting to the fact that his  
net worth was less than \$2,000,000.00 when this civil suit was commenced. See 28 U.S.C. §  
2412(d)(1)(B) and (d)(2)(B). Second, the Commissioner objects to the request that the fees be  
made payable directly to plaintiff's counsel, instead of plaintiff – the "prevailing party", 28 U.S.C.  
§ 2412(d)(1)(A), in this matter. See, e.g., *Venegas v. Mitchell*, 495 U.S. 82, 87-88 (1990) (stating  
that the prevailing party is the party, not the party's lawyer). Plaintiff did not submit a reply.

01 It would seem that the Commissioner's objections to plaintiff's motion could be rectified  
02 in an amended motion. As such, the Court directs plaintiff to file such a motion or otherwise  
03 dispute the Commissioner's contentions on or before **February 25, 2008**. The Commissioner  
04 should respond to plaintiff's submission on or before **February 29, 2008** and plaintiff's motion  
05 is hereby NOTED for consideration as of that same date.

06 DATED this 6th day of February, 2008.

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08 Mary Alice Theiler  
09 United States Magistrate Judge  
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